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C O N F I D E N T I A L STATE 062952

GENEVA FOR CD DELEGATION

E.O. 12958: DECL: 6/17/2019

TAGS: PARM MNUC PREL SIPDIS

SUBJECT: CONFERENCE ON DISARMAMENT (CD): GUIDANCE FOR THE BALANCE OF THE 2009 SESSION

REF: A) STATE 48065; B) GENEVA 401; C) GENEVA 425

1.(U) CLASSIFIED BY ISN/MNSA OFFICE DIRECTOR MARGUERITA RAGSDALE, E.O. 12958, REASONS 1.5 B AND D

¶2. (U) The CD Delegation should draw on the following for the balance of the 2009 CD session.

Objectives

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¶3. (SBU) Now that the CD has adopted its 2009 program of work (Ref B), the U.S. goal is to ensure that work in 2009 adequately sets the stage for a smooth resumption of the CD's activities when the 2010 session begins next January. Detailed, substantive negotiations on a Fissile Material Cutoff Treaty (FMCT), the highest U.S. priority in the CD, are expected to be possible at that time. The U.S. does not want to see a repeat of the 1998-99 experience, in which FMCT negotiations began at the end of the 1998 session, only to founder at the beginning of the 1999 session.

¶4. (C) Since the Delegation has reported that the consensus behind the CD's program of work remains fragile, it will be important to begin substantive work on all aspects of the CD's agenda as soon as possible in ¶2009. This will establish as solid a track record on FMCT negotiations as possible, and help demonstrate that the program adopted in CD/1863 is working and deserves to be renewed in 2010. The CD's annual report to the UNGA should document this substantive work. The goal is to establish that the CD is firmly back at work, and deter potential trouble makers from trying to derail the CD when the 2010 session begins. To this end, the Delegation should avoid establishing procedural or substantive red-lines in response to the proposals of others, if those proposals are consistent with CD/1863. For proposals pushing the envelope, the Delegation should point out that the U.S. is still developing its positions on various issues and seek instructions from Washington.

Issues

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¶5. (C) Following are points on selected issues on which the U.S. Delegation may draw on as the CD organizes itself. Once substantive work begins, Washington will provide as necessary statements and talking points on the range of issues on the CD's program of work.

-- Chairs of Working Groups: Chairs should be capable individuals who can bring the necessary competence and diplomatic skills to the groups which they are selected to lead. As a general rule, each prospective chair also should be assessed on that government's track record in the specific subject area of the working group in question. The United States considers countries under

sanctions, such as the DPRK or Iran, to be politically disqualified; otherwise, in principle no country should be arbitrarily excluded from providing a qualified chair. In that regard, there should be no express or tacit prohibition on any NATO member presiding over any CD body for any given issue. Yearly rotation of chairs is acceptable. The geographic allotment of CD chairs, though not the preferred norm for the U.S., nonetheless will be acceptable if there is a broad consensus for such an arrangement, and opposition might cause difficulty from among key parties.

-- Rollover: The CD must formally re-establish its work program by consensus each year. However, in order to maintain momentum, given the limited time left in the 2009 session, USDEL should seek a CD report that includes a recommendation that the term of the chairs selected in 2009 be continued during 2010. The report also should recommend early action by the CD in 2010 to renew the work program in CD/1863 and resume substantive work. In pursuit of these options, USDEL should keep Washington apprised of developments, in particular, any sense that pursuing these outcomes jeopardizes an early resumption of substantive work in the CD next year. Further, the Delegation should explore with like-minded states opportunities to hold a ceremonial start to FMCT negotiations in 2009. While not a requirement for the USG, such a start would help create facts on the ground and discourage states from blocking consensus on the program of work in January.

-- Procedural issues: As the only true negotiation on the work program, FMCT logically should be allocated most of the meeting time, and likely will require the establishment of a number of sub-groups. However, for certain countries other CD agenda items remain priorities and they will insist on a certain amount of time to discuss those issues. We assume that substantive work should not begin until January, thus giving the USG time to work out positions on the different issues. However, the Delegation may be flexible on this issue, as long as the intent remains to discuss, rather than negotiate on, non-FMCT agenda items. USDEL should advocate the recent practice of dedicated, specified sessions to deal with those issues, but should argue against the establishment of non-FMCT subgroups, as such action would give working groups with non-negotiating mandates equivalent status to the FMCT working group.

-- P-5 Outreach: It has been proposed that the P-5 pre-negotiate a common message for the broader community on the FMCT. Washington believes that developing a common P-5 concept covering broad FMCT concepts such as the overall goals of the Treaty, how it should be characterized (as nonproliferation, disarmament, or a combination), etc. has merit. The P-5 should not, however, try to take common positions on specific elements that will be the subject of the negotiations (scope, verification, stocks, entry into force, etc). The Delegation may participate in P-5 efforts to develop a common message for use with key states within the CD, and with a broader audience in contexts such as the margins of the UNGA First Committee, but the delegation should keep expectations low on such a statement, given China's possible reluctance to agree to a strong text. The texts of such messages may be agreed ad ref to capitals.

CLINTON